

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

U.S.A. vs. Timothy Ray Stocks

Docket No. 4:10-CR-9-1D

Petition for Action on Probation

COMES NOW Tuell Waters, probation officer of the court, presenting a petition for modification of the Judgment in the Criminal Case of Timothy Ray Stocks, who, upon an earlier plea of guilty to Mail Fraud in violation of 18 U.S.C. § 1341, was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge, on March 16, 2011, to a 60 month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 180 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer.
2. The defendant shall submit to financial or consumer credit counseling as directed by the probation office.
3. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant was ordered at sentencing to make restitution to the Pitt County Solid Waste and Recycling Division in the amount of \$55,020.02. Stocks was further ordered to pay installments of \$250.00 per month. During the course of supervision, the defendant has reported a decrease in personal income due to a decline in revenue produced by his restaurant business. In corroboration, Stocks completed a written Net Worth Statement and a Cash Flow Statement as instructed by the probation office. After reviewing these statements and income tax records, it is respectfully recommended that the monthly restitution installment be reduced to \$100 per month.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

The defendant shall make restitution to the Pitt County Solid Waste and Recycling Division in the amount of \$55,020.02. The remaining balance shall be paid in installments of \$100.00 per month.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,


I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Senior U.S. Probation Officer

/s/ Tuell Waters
Tuell Waters
U.S. Probation Officer
201 South Evans Street, Room 214
Greenville, NC 27858-1137
Phone: 252-758-7200
Executed On: November 18, 2011

ORDER OF COURT

Considered and ordered this 21 day of November, 2011, and ordered filed and made a part of the records in the above case.


James C. Dever III
Chief U.S. District Judge